

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71541 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- PHULWARIYA District- Gopalganj

ASHWANI KUMAR @ ASWANI KUMAR @ ASHWANI KUMAR SINGH
Son of Late Anil singh Resident of Village - Rampurkala, Police Station -
Phulwariya, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-07-2022 Learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Phulwariya P.S. Case No. 270 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

Section 76 (2) of the Bihar Prohibition and Excise Act,
2016 makes an explicit embargo on entertaining the application
under Section 438 of the Cr.P.C.

Since the provision of Section 438 of the Cr.P.C. is not
applicable in respect of offences under the Bihar Prohibition and
Excise Act, 2016, as such, this anticipatory bail application is



dismissed as not maintainable.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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